

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Maxwell W. Lippitt III, et al**

Art Unit: **2823**

Serial No.: **10/633,334**

Examiner: **Brewster, William M.**

Filed: **08/01/2003**

Confirmation No.: **4192**

Attorney Docket No.: **Buckfeller 13-2-2-3/075903-149**

For: **Temperature Optimization of a Physical Vapor Deposition Process**

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

February 17, 2006

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

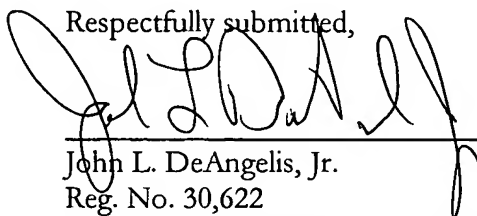
The Applicants submit the following comments relative to the Examiner's Reasons for Allowance accompanying the Notice of Allowance and Fee(s) Due mailed on November 17, 2005. In his statement, Examiner Brewster paraphrases the limitations set forth in independent claim 1 and provides comments as to why that claim is allowable. It is noted, however, that the application includes several dependent claims and additional independent claims 5, 19 and 25, all of which have been allowed. Each of the other allowed independent claims sets forth patentable features not present in claim 1. Each of the dependent claims sets forth patentable features that are not present in the independent claims from which they depend. Thus, the statement regarding to the allowance of independent claim 1 does not necessarily apply to the remaining 29 claims in the application.

The Applicants respectfully request that any ambiguities in the prosecution history that could arguably result due to the Examiner's Statement of Reasons for Allowance not be interpreted against the Applicants, since the express language of each claim controls over any after-the-fact paraphrased claim language in the Statement. The Applicants are mindful,

however, of the desire for brevity in the Statement of Reasons for Allowance, but no doubt the Examiner is mindful of the potential for claim interpretation issues based on comments and statements in the prosecution record.

The Applicants understand that the comments set forth herein will be placed in the file of the Patent and Trademark Office for this case.

Respectfully submitted,



John L. DeAngelis, Jr.

Reg. No. 30,622

Beusse Wolter Sanks Mora & Maire, P.A.

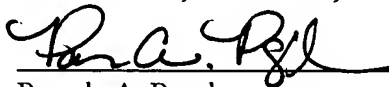
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CERTIFICATE OF MAILING

I HEREBY CERTIFY that this Comments on Statement of Reasons for Allowance is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17 day of February, 2006.



Pamela A. Pagel